

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND SEVENTEEN

—
 S.P. 259 - L.D. 814

An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1151, sub-§7, as enacted by PL 1975, c. 499, §1, is amended to read:

7. To promote the development of correctional programs ~~which~~ that elicit the cooperation of convicted persons; ~~and~~

Sec. 2. 17-A MRSA §1151, sub-§8, ¶B, as amended by PL 2005, c. 551, §1, is further amended to read:

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property; ~~and~~

Sec. 3. 17-A MRSA §1151, sub-§9 is enacted to read:

9. To recognize domestic violence as a serious crime against the individual and society and to recognize batterers' intervention programs certified pursuant to Title 19-A, section 4014 as the most appropriate and effective community intervention in cases involving domestic violence.

Sec. 4. 17-A MRSA §1204, sub-§6 is enacted to read:

6. If a person is convicted of a crime under chapter 9 or 13 or section 758 that the State pleads and proves was committed by the person against a spouse, domestic partner or sexual partner; a former spouse, domestic partner or sexual partner; an individual with whom the person is living or lived as a spouse; or an individual who is or was a dating partner of the person and the court does not order as a condition of probation that the person complete a batterers' intervention program certified pursuant to Title 19-A, section

4014, the court shall make findings on the record of the court's reasons for not ordering the person to complete a batterers' intervention program. If a plea agreement submitted to the court in accordance with Rule 11A(b) of the Maine Rules of Unified Criminal Procedure does not contain a provision ordering the person to complete a batterers' intervention program, the attorney for the State shall indicate, in a writing submitted to the court, the basis for the plea agreement's not including completion of a batterers' intervention program as a condition of probation. For purposes of this subsection, "dating partner" means an individual currently or formerly involved in dating the person, whether or not the individual and the person are or were sexual partners. For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.